

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA  
PLAINTIFF,

VS.

HON. ROBERT H. CLELAND

CASE #: 11-20129

SCOTT WILLIAM SUTHERLAND, ET. AL.  
DEFENDANTS.

UNITED STATES OF AMERICA  
PLAINTIFF,

VS.

CASE #: 11-20066

JEFF GARVIN SMITH, ET. AL.  
DEFENDANTS.

UNITED STATES OF AMERICA  
PLAINTIFF,

VS.

CASE #: 12-20387

SMILEY VILLA, ET. AL.  
DEFENDANTS.

**GROUP 3 REACTION TO THE GOVERNMENT'S MEMORANDUM OF CASE MANAGEMENT**

As ordered by the Court in its Preliminary Scheduling Order filed 9/7/12 (R462), liaison counsel for the Group 3 defendants, Margaret Sind Raben, hereby submits their reactions to the Government's Memorandum of Case Management (R470).

As an initial matter, the responses of Group 3 are limited by their lack of understanding of the criterial by which the Government has assigned defendants to the four groups. The Court should consider requiring the Government to disclose this information so that Liaison responses are as helpful as possible.

As to the Memorandum's categories, Group 3 states:

- 6a) **Discovery**: Group 3 agrees the resolutions of the motions for protective orders must be resolved prior to the dissemination of discovery.
- 6b) **Format and Cost of Discovery**: Group 3 agrees that the provision of discovery in digital format will result in multiple issues regarding the discovery. Group 3 requests the Government provide all discovery in an OCR or other readily searchable format. The Court should be aware that providing digital discovery to Defendants in custody may be problematic because, *inter alia*, the jails greatly differ in allowing inmates access to discovery and in allowing access to electronic discovery.
- 6c) **Motion Practice**: Group 3 agrees these proposals regarding motion practice should be discussed.
- 6d) **Local Rule Requiring Concurrence**: Group 3 agrees but would add "joinders" to the discussion. One possibility is to have liaison counsel submit "group" concurrences or lack of concurrences or partial group concurrences where possible. Undersigned liaison for Group 3 notes that each defendant must create and protect their own district court record for purposes of any appeal but joint responses are sufficient for this purpose.
- 6e) **Final Pretrial and Trial Date**: Group 3 generally agrees with the Government's position. Five Group 3 defendants are in custody.
- 6f) **Trial Groups**: Group 3 objects to the Government's suggestion that its identification of trial groups be deferred. If the Government is proposing to restrict or limit discovery sharing among defense attorneys or among defendants, Group 3 attorneys cannot determine whether there are any conflicts, *Bruton* or otherwise, until we know which Defendants are proposed to be tried together.

Respectfully Submitted,

s/Margaret Sind Raben  
Counsel for Scott Perkins, D-24  
Gurewitz & Raben, PLC  
333 W. Fort Street, 11th floor  
Detroit, MI 48226  
(313) 628-4708  
Email: [msraben@aol.com](mailto:msraben@aol.com)  
Attorney Bar Number: P39243

s/Ryan Machasic w/ permission  
Counsel for David Drozdowski, D-17  
Ryan H. Machasic, PC  
134 Market St  
Mount Clemens, MI 48043  
(586) 914-6140  
Email: [machasiclaw@gmail.com](mailto:machasiclaw@gmail.com)  
Attorney Bar Number: P70251

s/Richard H. Morgan w/permission  
Counsel for Smiley Villa, D-18  
Law Office of Richard H. Morgan Jr PC  
485 Orchard Lake Rd Ste 203  
Pontiac, MI 48341  
(248) 334-8970  
Email: [rhm\\_jr@msn.com](mailto:rhm_jr@msn.com)  
Attorney Bar Number: P23924

s/David Cripps w/permission  
Counsel for Sylvester Wesaw, D-21  
Law Office of Cripps & Silver  
431 Gratiot Ave  
Detroit, MI 48226  
(313) 963-0210  
Email: [david.cripps@sbcglobal.net](mailto:david.cripps@sbcglobal.net)  
Attorney Bar Number: P34972

s/Michael McCarthy w/permission  
Counsel for Howard Quant, D-23  
Michael J. McCarthy PC  
26001 5 Mile Rd  
Redford, MI 48239  
(313) 535-1300  
Email: [mjfmcccltd@yahoo.com](mailto:mjfmcccltd@yahoo.com)  
Attorney Bar Number: P30169

s/Edward Wishnow w/permission  
Counsel for Clifford Rhodes, D-25  
240 Daines St  
Birmingham, MI 48009  
(248) 258-1991  
Email: [edwishnow@aol.com](mailto:edwishnow@aol.com)  
Attorney Bar Number: P22472

s/Jeffrey Butler w/permission  
Counsel for Christopher Cook, D-27  
540 Longpointe Dr  
Lake Orion, MI 48362  
(248) 770-3847  
Email: [jeffb507@aol.com](mailto:jeffb507@aol.com)  
Attorney Bar Number: P25348

s/Scott Keillor w/permission  
Counsel for Jason Cook, D-31  
2160 Washtenaw Rd  
Ypsilanti, MI 48197  
(734) 487-5537  
Email: [skeillor@umich.edu](mailto:skeillor@umich.edu)  
Attorney Bar Number: P38880

s/Sheldon Halpern w/permission  
Counsel for Salvatore Battaglia, D-33  
Sheldon Halpern PC  
26339 Woodward Ave  
Huntington Woods, MI 48070  
Email: [shalpern@sbcglobal.net](mailto:shalpern@sbcglobal.net)  
Attorney Bar Number: P14560

s/Joan E. Morgan w/permission  
Counsel for Wayne Werth, D-35  
Joan Ellerbusch Morgan PC  
2057 Orchard Lake Rd  
Sylvan Lake, MI 48320  
(248) 335-9157  
Email: [joanmorgan127@comcast.net](mailto:joanmorgan127@comcast.net)  
Attorney Bar Number: P34482

**CERTIFICATE OF SERVICE**

I hereby certify that on September 21, 2012, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all parties of record.

s/Margaret Sind Raben (P39243)  
Gurewitz & Raben, PLC  
333 W. Fort Street, Suite 1100  
Detroit, MI 48226  
(313) 628-4708  
email: [msraben@aol.com](mailto:msraben@aol.com)